

REMARKS

Claims 4-6 and 45-59 are pending. Claims 4-6 and 45-47 have been amended. Claims 48-59 are new. A Request for Continued Examination is being filed concurrently, along with a copy of a previously-filed declaration, and a Request for Examiner Interview. Reconsideration and allowance are respectfully requested.

Examiner Interview

Applicant thanks Examiners Sara Chandler and Jagdish Patel for the time which they spent discussing the outstanding final office action with applicant's attorney Marc E. Brown over the telephone on June 26, 2008. The rejection of claims 4-6 and 45-47 was discussed in light of the applied art (Walker and Sheets). The Examiners suggested that Applicant consider incorporating additional features into the independent claims. Applicant has now done so.

Oath/ Declaration

The declaration was objected to because it does not provide a post office address and is not signed. A declaration meeting these requirements was filed as part of the Response to Notice to File Missing Parts of Nonprovisional Application, filed May 29, 2002, but was not separately listed in PAIR. A copy is being filed again with this Amendment.

Claim Objections

Claims 4-6 and 45-47 were objected to because of informalities.

Applicant has made numerous changes to these claims to address these objections. No new matter has been added. All amendments are based on features that were expressly or inherently disclosed.

The Examiner stated that his suggested amendments are not required. This is appreciated. Applicant has therefore made some changes which are different from those suggested. For

example, Claims 4-6 have been amended to specify that the program with the highest profit amount is identified based on the comparison of the calculated profits for each. This does not necessarily require a ranking and these claims have not been so limited.

The claims now recited what Applicants regard as their invention and are believed to be reasonably clear.

Claim Rejections – 35 USC § 112

Claims 4-6 and 45-47 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has made numerous changes to these claims to address these objections. No new matter has been added. All amendments are based on features that were expressly or inherently disclosed.

The Examiner stated that his suggested amendments are not required. This is appreciated. Applicant has therefore made some changes which are different from those suggested. For example, Claims 4-6 have been amended to specify that the program with the highest profit amount is identified based on the comparison of the calculated profits for each. This does not necessarily require a ranking or an ordering and these claims have not been so limited.

Claim Rejections – 35 USC § 103

Claims 4-6 and 45-47 were rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US Pat. Pub. 2002/0107765) in view of Sheets (US Pat. Pub 2001/0049653). These claims have been amended to incorporate additional limitations, as suggested by the Examiners

during the interview. As amended, this rejection is respectfully traversed and reconsideration is requested.

Amended Claim 4 is directed to a method for selecting and communicating which of a plurality of retail finance programs generates a highest calculated profit amount for a particular vehicle. Financial data associated with the customer, a target monthly payment amount, and information about the vehicle are received in computer system as inputs. A database containing information about a plurality of retail finance programs is accessed. A profit amount for each of the plurality of retail finance programs for the vehicle is calculated with software in the computer system given the amount of the target monthly payment and handling the financial data associated with the customer and the information about the vehicle as constraints. The calculated profit amounts are compared. The retail finance program that has the highest calculated profit amount based on the comparing is selected and communicated to a user through a user interface.

One significant feature that Claim 4 has been amended to recite is that software in the computer system methodically calculates the profit that would be made with each of retail finance programs “given the amount of the target monthly payment.” (This amendment is supported, for example, by original paragraph [0035].) Thus, the target payment is used to determine the amount of profit that would be made under this program (not merely to determine which programs are available).

Walker discloses an on-line system for approving credit applications. *See* Abstract. Each finance option is ranked on a display screen in order of how much revenue it would bring the dealership. ¶ 0065. However Walker does not disclose utilize a target monthly payment in calculating the amount of profit, as required by Claim 4.

Sheets does not make up for this marked deficiency. Sheets discloses a system for matching customers with products in inventory. *See* Abstract. Vehicles that would require a monthly payment outside of a specified range are not listed. *See* ¶ 0035. Unlike Claim 4, however, Sheets does not calculate a profit for a finance program, let alone for a plurality of finance programs; Sheets does not compare finance programs; and Sheets does not report which finance program yields the highest profit. Sheet is not even concerned with finding the most profitable finance program.

The fact that Sheets uses a monthly payment as a criteria to select vehicles to show to a buyer does not demonstrates that it would have been obvious to have modified Walker to have used a target monthly payment as a criteria for determine finance program profit. This is a markedly different purpose. Knowing that a monthly payment is useful in identifying vehicles to show to a buyer in no way suggests that it also would be useful in calculating the profit of various finance programs. There is also nothing in Walker which suggests that additional inputs should be used in ranking its finance options, let alone a target monthly payment. The only reason for such a change, Applicant respectfully submits, is impermissible hindsight.

Amended Claims 5 and 6 are computer system and storage media counterparts to amended method Claim 4. Each has been amended to contain limitations similar to those that distinguish amended Claim 4 from Walker and Sheets. Amended Claims 5 and 6 are thus also patentable in view of these applied references for the reasons stated above in connection with Claim 4.

Amended Claims 45-47 are dependent upon Claim 4, 5 or 6 and thus are also patentable in view of these references for the same reasons. These claims have also been amended to

require “an amount of cash available from the customer for an initial payment” to also be received and for the profit calculation to be done “given the amount of available cash.” (This amendment is supported, for example, by original paragraph [0035].) In other words, the amount of cash available is also used to determine the amount of profit. None of the applied references, either alone or in combination, disclose or suggest such a feature. Walker does not suggest using the amount of available cash when ranking financial options, and Sheets does not suggest using the n amount of available cash when deciding which vehicles to propose to a buyer.

New Claims 48-59

New Claims 48-59 are dependent upon Claim 4, 5 or 6 and thus are also patentable in view of the applied references for the reasons stated above in connection with Claims 4, 5 or 6.

Pursuant to the suggestion of the Examiners, these new claims also add additional features of the invention which are again nowhere suggested in the applied art.

New claims 48, 52 and 56. for example, require the calculation of the profit amount for each finance program to “maximize the amount of profit that can be generated . . . given the amount of the target monthly payment and handling the financial data and the information about the vehicle as constraints.” (This amendment is supported, for example, by original paragraph [0035].) None of the applied references maximize the amount of profit that can be generated by a finance program. Sheets does not even perform a calculation of profit, and Walker does nothing to maximize the profits which it does calculate.

New Claims 49, 53, and 57 are dependent upon new Claim 48, 52, or 56 and thus are also patentable in view of the applied references for the reasons discussed above in connection with new Claims 48, 52, or 56. Further, new Claims 49, 53, and 57 require an increase in the sales

price of the vehicle to be made as part of the maximizing process. (This amendment is supported, for example, by original paragraph [0035].) None of the applied references increase the sales price of the vehicle to maximize the amount of profit that can be generated by a finance program. As indicated, Sheets does not even perform a calculation of profit, and Walker does nothing to maximize the profits which it does calculate.

New Claims 50, 54, and 58 are dependent upon new Claim 48, 52, or 56 and thus are also patentable in view of the applied references for the reasons discussed above in connection with new Claims 48, 52, or 56. Further, new Claims 50, 54, and 58 require an upward adjustment in the sales price of a profit source other than the sales price of the vehicle to be made as part of the maximizing process. (This amendment is supported, for example, by original paragraph [0035].) None of the applied references increase the sales price of a profit source other than the vehicle to maximize the amount of profit that can be generated by a finance program. Again, Sheets does not even perform a calculation of profit, and Walker does nothing to maximize the profits which it does calculate.

New Claims 51, 55, and 59 are dependent upon new Claim 50, 54, and 58 and thus are also patentable in view of the applied references for the reasons discussed above in connection with new Claims 50, 54, and 58. Further, new Claims 51, 55, and 59 require an increase in the sales price of a warranty to be made as part of the maximizing process. (This amendment is supported, for example, by original paragraph [0035].) None of the applied references increase the sales price of a warranty to maximize the amount of profit that can be generated by a finance program. Again, Sheets does not even perform a calculation of profit, and Walker does nothing to maximize the profits which it does calculate.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance and early notice of the same is earnestly requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper or any other paper or matter in this application, including extension of time fees, to Deposit Account 501946, and please credit any excess fees to such deposit account.

Respectfully submitted,

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